

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

RAJU A.T. DAHLSTROM, *et al.*,

Plaintiffs,

v.

STATE OF WASHINGTON, *et al.*,

Defendants.

Case No. C98-0890L

ORDER DENYING PLAINTIFF'S
MOTION FOR ACCESS

This matter comes before the Court on "Plaintiffs' Motion for Access to the Videotaped and Transcribed Deposition of Margaret Delores McDonald."¹ Having reviewed the memoranda and exhibits submitted by the parties, including plaintiff Raju A.T. Dahlstrom's response to the Court's order sealing certain documents, the Court finds as follows:

1. Whether certain documents filed in a case pending before the Honorable Marsha J. Pechman, C03-3667P, should be sealed or otherwise expunged from the record is not a matter properly before this Court.

2. Judgment in the above-captioned matter was entered on May 31, 2000, and the mandate from the Ninth Circuit resolving plaintiff's appeal was issued on July 16, 2001. The

¹ Plaintiff Raju A.T. Dahlstrom is representing himself pro se and cannot file papers on behalf of the other named plaintiff, Rosalba Mayorga.

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1 order from which plaintiff seeks relief was entered on March 30, 1999, almost six years before
2 plaintiff filed his current motion. Even if the timeliness of plaintiff's motion is measured from
3 the date on which defendants filed objectionable material in cause number C03-3667P, plaintiff
4 waited almost six months to bring this matter to the attention of either Judge Pechman or the
5 undersigned. Plaintiff's motion is untimely and is denied on that basis.

6 3. Assuming plaintiff's motion for access were timely filed, the request would still be
7 denied on the merits. Plaintiff objects to allegations/information contained in three documents
8 filed in cause number C03-3667P but does not identify any "defaming, deleterious, salacious
9 and scandalous" statements therein. The Court, having reviewed the documents, finds that they
10 are either sealed from public access and/or make no mention of Ms. McDonald or her testimony.
11 Other than vague, unsupported, and conclusory assertions that access to Ms. McDonald's
12 deposition transcript would allow plaintiff to defend himself from unidentified falsehoods,
13 plaintiff provides no reason why the March 1999 stipulation of the parties, to which plaintiff,
14 through his then-counsel, agreed, should be overturned or modified in any way.

15 4. In addition to the fact that plaintiff has not shown any reason to undo the March 1999
16 agreement, his recent conduct in this case suggests that disclosure of Ms. McDonald's testimony
17 would, as originally feared, place the witness at risk of harassment and/or unwarranted
18 violations of her privacy. In filing his papers with the Court, plaintiff apparently could not
19 restrain himself from placing Ms. McDonald's personal and private information in the public
20 court record, even though there was no need, and absolutely no justification, for such
21 disclosures.² Even if plaintiff had supported his conclusory assertion that he needs access to Ms.

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23 ² By order dated February 11, 2005, the Court placed the offending documents under seal. In
24 response, plaintiff filed a "Statement of Apology" in which he argues that defendants are also guilty of
25 disclosing private information. Even if true, public disclosures of private information are unwarranted
26 and dangerous in today's world and the Court expects parties to have some better justification for
unacceptable behavior than "she did it first." In addition, the disclosures of which plaintiff complains
were made under seal so that only the Court and the parties to this action have access.

1 McDonald's deposition transcript, the Court would not be inclined to provide such access with
2 such a vivid example of abuse before it.

3 4. Plaintiff has asserted that his former counsel cannot or will not keep the existing
4 copies of Ms. McDonald's transcript now that the representation has come to an end. If these
5 assertions are true, counsel shall file with the Court a declaration stating why he cannot retain
6 materials related to this matter and shall deliver any and all such copies to defense counsel
7 Helen Arntson at the Attorney General's Office, 900 Fourth Avenue Ste. 2000, Seattle, WA
8 98164.

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10 For all of the foregoing reasons, plaintiff's motion for access to Ms. McDonald's
11 deposition is DENIED.

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13 DATED this 7th day of April, 2005.

14 

15 Robert S. Lasnik,
16 United States District Judge